



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • www.idem.IN.gov

Mike Braun
Governor

Clint Woods
Commissioner

December 31, 2025

VIA ELECTRONIC MAIL : khouston@responsibleenergy.com

Mr. Kevin Houston, VP Engineering
Responsible Energy Operations, LLC
625 N. 9th St.
Petersburg, IN 47567

Dear Mr. Houston:

Re: Approval of Renewal of Coverage
NPDES General Permit No. ING040129
IDNR Permit Nos. S-0333,
S-0034, P-0003, & U-0033
Responsible Energy Operations, LLC
Charger Mine
1053 E. Private Road 125 E
Petersburg, IN
Pike County

We have received your complete NPDES Notice of Intent (NOI) for the above-referenced facility on December 4, 2025, in which you request renewal of your current NPDES general permit coverage. We are pleased to inform you that the submittal is sufficient to comply with the NOI requirements for 327 IAC 15-7 and that your NPDES permit coverage will be renewed as requested.

We have reviewed your request and have determined that the activities associated with it will not violate the antidegradation rules as set forth in 327 IAC 2-1.3. Our office has further determined that the request will not affect this facility's eligibility for coverage under the general permit rules outlined in 327 IAC 15-1 through 15-4 and 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities. Therefore, your petition to renew permit coverage as is described in your NOI has been approved in accordance with Indiana rules promulgated under 327 IAC 15-7 and 327 IAC 2-1.3. Coverage for the facility will include all outfalls listed in Attachment 1 to this correspondence and discharge limitations and monitoring requirements are included in Attachment 2.

Your mine's current permit coverage expires on December 31, 2025, therefore, renewed coverage will be effective on January 1, 2026. You are required to follow all terms and conditions of 327 IAC 15-7 until coverage under 327 IAC 15-7. In order to receive authorization to discharge beyond this date, you are required to submit a renewal NOI to IDEM no later than ninety (90) days prior to the date of expiration.



One condition of your permit requires periodic reporting of several effluent parameters. You are required to submit both federal discharge monitoring reports (DMRs) and state Monthly Monitoring Reports (MMRs) on a routine basis. The MMR form can be found at <https://www.in.gov/idem/cleanwater/wastewater-compliance/wastewater-reporting-forms-notices-and-instructions/>. All NPDES permit holders are required to submit their monitoring data to IDEM using NetDMR. Please see our website at <https://www.in.gov/idem/cleanwater/resources/netdmr/> for more information. Also, all current agency rules, including the general NPDES permits-by-rule under 327 IAC 15, are posted at <https://www.in.gov/idem/legal/environmental-laws-and-rules/>.

Please note that IDEM is required to serve notice of its decision to renew your facility's coverage under the general permit in accordance with the requirements of 327 IAC 5-3-14. It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Administrative Law Proceedings (OALP) within fifteen (15) days of the emailing of an electronic copy of this letter or within eighteen (18) days of the mailing of this letter. Addresses are as follows:

Director
Office of Administrative Law Proceedings
Indiana Government Center North
100 N. Senate Ave.
Indianapolis, IN 46204

Commissioner
Indiana Department of
Environmental Management
Indiana Government Center North
Indianapolis, IN 46204

The OALP will provide parties who request review of this acceptance for coverage with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the OALP.

Questions regarding this letter may be directed to Ms. C. Anne Burget of my staff at (317) 234-8745 or you may contact either of us at owqwwper@idem.IN.gov.

Sincerely,

Catherine Hess

Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Attachments

cc: Ms. Jayne Peltier, DNR, Division of Reclamation (jpeltier1@dnr.IN.gov)
U.S. EPA Region 5
Mr. Robert Dyer (BDyer@ResponsibleEnergy.com)

ATTACHMENT 1

RESPONSIBLE ENERGY OPERATIONS, LLC – CHARGER MINE

NPDES GENERAL PERMIT APPROVAL # ING040129

IDNR Permit Nos. S-0333, S-0034, P-0003, & U-0033

EFFECTIVE DATE : **JANUARY 1, 2026**

Discharges from the following outfalls are **permitted** under the NPDES General Permit:

OUTFALL IDNR BASIN LATITUDE LONGITUDE MINE DRAINAGE RECEIVING WATER STATUS

401	S-0333	38°, 26', 25"	-87°, 11', 53"	Alkaline	Flat Creek to Patoka River
701	S-0333	38°, 25', 30"	-87°, 11', 50"	Alkaline	Flat Creek to Patoka River
813	S-0333	38°, 28', 07"	-87°, 17', 20"	Alkaline	Pride Creek to White River
814	S-0333	38°, 24', 58"	-87°, 17', 46"	Alkaline	Flat Creek to Patoka River

The following outfall is stabilized and has been **removed** from permit coverage:

815	S-0333	38°, 25', 48"	-87°, 16', 46"	Removed	Flat Creek to Patoka River
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Attachment 2

**Discharge Limitations and Monitoring Requirements for
Coal Mine Outfalls with Alkaline Mine Drainage Status**

In accordance with 327 IAC 15-7-7(a)(2), the following effluent limitations and monitoring requirements apply to discharges from outfalls with coal mining activities within the drainage area which contain active mining areas, coal preparation plants, and/or coal preparation plant associated areas with a new source alkaline mine drainage status.

Table 1 - Dry Weather Effluent Limits and Monitoring Requirements [1]

Parameter	Effluent Limitations				Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Flow	--	Report	Report	MGD	2 X Monthly	Instantaneous
Total Suspended Solids	--	35	70	mg/l	2 X Monthly	Grab
pH	6.0	--	9.0	s.u.	2 X Monthly	Grab
Total Iron	--	3.0	6.0	mg/l	2 X Monthly	Grab

- [1] These limits are applicable to discharges which occur during dry weather base flow for an outfall. This is the default set of effluent limits unless the permittee provides adequate documentation of eligibility for any alternate precipitation-based effluent limits, as set forth in Tables 2 and 3 below. At least one sampling event per month is supposed to occur during dry weather base flow conditions.

TABLE 2: Alternate Precipitation-based Effluent Limits for Precipitation Events less than or equal to the 10-year, 24-hour storm event [2]

Parameter	Effluent Limitations				Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Precipitation Volume	--	--	Report	Inches	Daily	Rain gauge
Precipitation Event duration	--	--	Report	Hours	Daily	Clock
Flow	--	Report	Report	MGD	Weekly	Instantaneous
Settleable Solids	--	--	0.5 [3]	ml/l	Weekly	Grab
pH	6.0	--	9.0	s.u.	Weekly	Grab

- [2] In accordance with 327 IAC 15-7-7(c)(1), you as the permittee may opt to apply the effluent limits and monitoring requirements in Table 2 in lieu of those in Table 1 to a discharge when the discharge flow rate exceeds the dry weather base flow when a precipitation event is less than or equal to the 10-year, 24-hour storm event on the date that the sampling occurred. You must provide documentation that the discharge met the qualifications for utilizing the alternate precipitation-based effluent limits for each instance in which the you wish to apply them.
- [3] The limit for settleable solids is a maximum not to be exceeded in any grab sample.

TABLE 3: Alternate Precipitation-based Effluent Limits for Precipitation Events Greater than the 10-year, 24-hour Storm Event [4]

Parameter	Effluent Limitations				Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Precipitation-event volume	--	--	Report	Inches	Daily	Rain gauge
Precipitation-event duration	--	--	Report	Hours	Daily	Clock
Flow	--	Report	Report	MGD	Weekly	Instantaneous
pH	6.0	--	9.0	s.u.	Weekly	Grab

- [4] In accordance with 327 IAC 15-7-7(c)(2), you as the permittee may opt to apply the effluent limits and monitoring requirements in Table 3 (in lieu of those in Tables 1 and 2) to a discharge when the discharge flow rate exceeds the 10-year, 24-hour storm event on the date that the sampling occurred. You must provide documentation that the discharge met the qualifications for utilizing this set of alternate precipitation-based effluent limits for each instance in which you wish to apply them.

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 20251231 - ING040129 – GP

DATE OF NOTICE: December 31, 2025

The Office of Water Quality approves the following NPDES GENERAL PERMIT action:

RENEWAL of COVERAGE UNDER 327 IAC 15-7

RESPONSIBLE ENERGY OPERATIONS, LLC - CHARGER MINE, Permit Coverage No. ING040129, located at 1053 E. Private Rd 125 N, Petersburg, IN (PIKE COUNTY). The permittee has submitted a complete Notice of Intent (NOI) to request renewal of this mine's NPDES general permit coverage under 327 IAC 15-7, the general NPDES permit for Facilities Engaged in the Mining of Coal, Coal Processing, and Reclamation Activities. Existing permit coverage will expire on December 31, 2025 and renewed coverage will be effective on January 1, 2026. For more information regarding this renewal of coverage, please contact Ms. C. Anne Burget at (317) 234-8745 or cburget@idem.IN.gov.

Notice of Right to Administrative Review

If you wish to challenge this permit, you must file a Petition for Administrative Review with the Office of Administrative Law Proceedings (OALP) and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the OALP within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are as follows:

Director
Office of Administrative Law Proceedings
Indiana Government Center North
Suite N802
100 N. Senate Ave.
Indianapolis, IN 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 N. Senate Ave.
Indianapolis, IN 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the permit; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.

8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. Examples are as follows:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have a permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, the OALP will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to the OALP at the address above.

If you have procedural or scheduling questions regarding your Petition for Administrative Review, please refer to the OALP's website at <http://www.in.gov/oalp>.